

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OMAR SEGURA,

Plaintiffs,

v.

MALDONADO, *et al.*,

Defendants.

Case No. 1:23-cv-00780-JLT-BAM (PC)

ORDER STAYING BRIEFING ON
DEFENDANT'S MOTION TO REVOKE *IN*
FORMA PAUPERIS STATUS
(ECF No. 18)

ORDER FOR PLAINTIFF TO SUBMIT **NON-
PRISONER** APPLICATION TO PROCEED
IN FORMA PAUPERIS

THIRTY (30) DAY DEADLINE

ORDER DIRECTING CLERK'S OFFICE TO
SEND PLAINTIFF **NON-PRISONER**
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS

Plaintiff Omar Segura ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendant Coelho¹ and John Doe 1² for excessive force in violation of the Eighth Amendment.

On December 8, 2023, Defendant Coelho filed a motion to revoke Plaintiff's *in forma pauperis* status on the ground that Plaintiff has been released from custody since initiating this

¹ Erroneously sued as "Cohello."

² Defendant John Doe 1 has not yet been identified or served.

1 action. (ECF No. 18.) Plaintiff has not yet had the opportunity to file a response.

2 In the motion, Defendant argues that Plaintiff is currently proceeding *in forma pauperis*
3 under 28 U.S.C. § 1915(b)(1)'s prisoner provision, and now that he is no longer incarcerated, he
4 must file an updated affidavit to proceed IFP as a non-prisoner under the general provisions of 28
5 U.S.C. § 1915(a)(1) or pay the filing fee. (ECF No. 18.)

6 Upon review of the filing, the Court finds it appropriate to stay briefing on the motion to
7 revoke Plaintiff's *in forma pauperis* status and for Plaintiff to file a non-prisoner application to
8 proceed *in forma pauperis*. Upon receipt and review of the application, the Court will reset the
9 deadline for Plaintiff to file a response to Defendant's motion to revoke, as necessary and
10 appropriate.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Briefing on Defendant's motion to revoke Plaintiff's *in forma pauperis* status, (ECF No.
13 18), is STAYED;
- 14 2. The Clerk of the Court is directed to send to Plaintiff an application to proceed *in forma*
15 *pauperis* for a **non-prisoner**;
- 16 3. Within **thirty (30) days** of the date of service of this order, Plaintiff shall submit the
17 attached application to proceed *in forma pauperis*, completed and signed; and
- 18 4. **No requests for extension will be granted without a showing of good cause.**

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20 IT IS SO ORDERED.

21 Dated: December 15, 2023

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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